

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New England (CENAE-R)
FILE NUMBER: NAE-2004-1597

REGULATORY PROJECT MANAGER: Alan R. Anacheka-Nasemann, PWS Date: 12/14/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 12/07/2005
 At the project site Y (Y/N) Date: 7/07/2005

PROJECT LOCATION INFORMATION:

State: Massachusetts
 County: Plymouth
 Center coordinates of site by latitude & longitudinal coordinates: 41.9264°N, 70.7642°W
 Approximate size of site/property (including uplands & in acres): 5 acres
 Name of waterway or watershed: 01090004 - Narragansett

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool	X								
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Site Conditions: Site is a 0.90-acre, unaltered typical kettle-hole bog formed in glacial outwash. The kettle hole itself is a minimum of 20 feet deep, while the bog in the bottom remains saturated well into the growing season (standing water present as of July, 2005). There are no discernible inlets or outlets. See attached site report.

Rationale used to determine NJD: Site is over 1000 feet from nearest surface tributary system and is not bordering, contiguous or neighboring. It is an isolated, intrastate wetland with no nexus to interstate commerce.

Site information on waters of the U.S. occurring on site: Site is part of a major cranberry farming operation that has been in place at least since 1940. Actively farmed cranberry bogs are owned and managed by the applicant.